



Town of Dumfries  
Council Meeting

Meeting Date: February 7, 2012

Agenda Item# IX - G

## AGENDA ITEM FORM

**TYPE OF AGENDA ITEM:**

- ☐ CONSENT AGENDA  
☐ PRESENTATION  
☒ ACTION ITEM  
☐ TOWN MANAGER & STAFF COMMENTS  
☐ PUBLIC HEARING  
☐ Duly Advertised

**PURPOSE OF ITEM:**

- ☐ INFORMATION ONLY  
☐ DISCUSSION ONLY  
☒ DISCUSSION AND/OR DECISION  
☐ Introduction ☐ Resolution  
☐ Ordinance ☐ Grant/MOU  
☒ By Motion ☐ Bylaws

**PRESENTER:** Jerry Foreman      **PRESENTER TITLE:** Councilman

**AGENDA ITEM:**

Code Enforcement Concerning Business Operations

**BACKGROUND / SUMMARY:**

The Town of Dumfries encompasses an area of approximately 1.63 square miles, or 1048 acres.

\*Comp Plan update 2012

The Town of Dumfries has a population of 4961 with housing of 1,689.

\*U.S. Census Bureau 2010 Census

There are over 224 businesses licensed in the Town of Dumfries.

\*Detailed Customer Listing provided by R. Ladd October 6, 2011

There were 83 businesses with expired licenses in the Town of Dumfries as of April 2011.

\*Expired License List Report provided by R. Ladd April 1, 2011

Why does one business owner receive a warning and another owner receives a fine?

Businesses know that the Town staff does not work on weekends. Saturday (14 January 2012), I stopped by Dollar Tires and spoke to the Owner. He had a tire rack displayed up front, a banner, and he was performing maintenance on vehicles in the forward stalls that were visible to Route-234 traffic. What were his conditions for operating in the Town?

There are five distinct traffic arteries in the Town of Dumfries.

- 1) Northern neck (entryway & exit corridor) which encompasses Dumfries Rd (Rt-234) & Jeff Davis Highway (Rt-1) north of Possum Point Rd;
- 2) Southern neck (entryway & exit corridor) which encompasses Main St (Southbound) & Jeff Davis Highway (Rt-1) south of Graham Park Rd;
- 3) Main Street from Mine Road to Possum Point Rd;
- 4) Main Street from Mine Road to Graham Park Rd; and
- 5) Fraley Blvd from Graham Park Rd to Possum Point Rd.

The business zones have slowly grown and mixed with residential properties over the years. Currently zoning is mixed or intertwined by businesses being adjacent or in residential areas. Daily operations of businesses and vehicular traffic are utilizing the same transportation infrastructure. There is a very real time confrontation between noise, signage, and everyday living conditions.

**Noise Abatement (Chapter 26):** this ordinance / resolution / code enforcement needs to be addressed to ensure there is a standard of living being maintained for residents of the Town.

This article is enforced and administered by the town police department.

24 Hour self-service Car Wash located at 17848 Main Street. It is coin operated, you can power wash and vacuum your vehicle whenever you please. 24 hours a day, seven days a week. All types of street vehicles utilize this facility. There are standard vehicles, 4x4's, motorcycles, vehicles with trailers towing off-road vehicles, ATV's, etc. The operators of these vehicles wash the exterior of their transportation, as well as the engines, and the under carriage. They gun their engines afterwards. While the vehicle owner vacuums and washes his transportation, it's not uncommon to have the stereo blaring with the sounds of their favorite songs. There are flood lights illuminating the facility and there are trash receptacles to discard items that are taken from the vehicle.

Note: The location is zoned properly.



There is, for lack of a better description, a Heavy Vehicle Truck repository located adjacent to Possum Point Road. There are multiple Truck and Freight Companies operating from this location. These trucks are required to be started every day and undergo a safety inspection, which includes testing hi & low beams, raising and lowering their booms, raising and lowering their dumping beds, operating their pettibones, releasing air from their brakes, testing their horns, and lastly ensuring that their backup sounding horn is operating. They will on occasion idle their vehicles for up to 30 minutes prior to driving off the lot. There are flood lights illuminating the facility and there are trash receptacles to discard items that are taken from the vehicle.

Note: The location is zoned properly.





**Displaying of business wares (Chapter 70);** this ordinance / resolution / code enforcement needs to be addressed to ensure there is equity in enforcement.

This article is enforced and administered by the Planner / Zoning Administrator.



If I were an Auto Dealership, I could build a lot and display my vehicle right up to curb with prices in the windows.





If I were an Antique Dealer, I could put my rusted, dried out, wooden wares on the front lawn with balloons and prices dangling on the string.

If I were a franchise owner of a McDonalds, I could have a huge "M" neon sign 20 to 30 feet in the air.

If I sold soft serve Ice Cream, I could have a trash can in the shape of an Ice Cream Cone in front of my building.

If I owned a beauty salon, I could display a lady's face with a nice haircut on a sign.

For the recent job fair held on October 26, 2012 was there a banner or signage fee paid (signs directing folks to the event)?



But we tell Automotive Repair and Towing locations that they cannot display a clean rack of tires at the entrance to their business!

On October 12<sup>th</sup> & 17<sup>th</sup>, I exchanged e-mails with staff concerning Temporary Sign Permits – Banners. To date I have heard nothing back. So I did a little research myself.

What are Towns & Cities in the area charging?

Culpepper \$35.00 - \$75.00 + Review fee of \$75.00 Sign

<http://web.culpepercounty.gov/LinkClick.aspx?fileticket=rFEbnrYPKwE%3D&tabid=170&mid=535>

Fredericksburg \$50.00 Sign

[http://www.fredericksburgva.gov/uploadedFiles/Planning\\_and\\_Community\\_Development/GeneralContent/Sign%20permit.pdf?n=6183](http://www.fredericksburgva.gov/uploadedFiles/Planning_and_Community_Development/GeneralContent/Sign%20permit.pdf?n=6183)

Manassas \$67.11 Sign  
Zoning & Code Enforcement (703) 257-8273  
<http://www.manassascity.org/index.aspx?NID=725>

\$25.00 Banner

Manassas Park \$100.00 Sign  
[http://www.cityofmanassaspark.us/public\\_documents/ManassasParkVA\\_Planning/sign%20application.pdf](http://www.cityofmanassaspark.us/public_documents/ManassasParkVA_Planning/sign%20application.pdf)

Stafford \$120.00 Sign  
<http://stafford.va.us/DocumentView.aspx?DID=251>

Warrenton \$30.00 Sign  
<http://warrentonva.gov/DoBusiness.aspx>

<u>Year</u>	<u>Banner permits issued</u>	<u>Revenue generated</u>
2004	7	\$530.88
2005	5	\$379.20
2006	11	\$834.24
2007	9	\$682.56
2008	9	\$682.56
2009	0	\$0.00
2010	5	\$379.20
2011	3	\$227.52
Average	6	\$464.52

Provided by David Moss (12 Oct 2012)

Currently the Town of Dumfries charges a Permanent sign fee of \$37.40. Banners are \$74.85.

\*Form updated September 22, 2011 by David Moss

I recommend that the Permanent sign fee should be \$75.00. Banners should be \$35.00.

#### **ATTACHMENTS:**

Email Correspondence

#### **REQUESTED ACTION:**

1. The Town of Dumfries Police Dept enforce Noise Abatement Code on the Truck Repository (Campbell Property) & the Car Wash located 17848 Main Street between 10:00 p.m. and 7:00 a.m. daily.
2. That the permanent sign fee be changed to \$75.00. The banner fee be changed to \$35.00.
3. The business owner in good standing be allowed to annually display a banner for 30 days free! All new businesses opening in Dumfries be allowed to have a Grand Opening Advertisement banner free for their first 14 days!
4. The Automotive Repair and Towing locations are allowed to display a clean rack of tires at the entrance to their business!

#### **FOR MORE INFORMATION, CONTACT:**

Name: Jerry Foreman

Phone#: 703-441-0881

E-mail: [hongforeman@dumfriesva.gov](mailto:hongforeman@dumfriesva.gov)

Additional Information



**From:** Jerry Foreman [<mailto:gmforeman@comcast.net>]  
**Sent:** Monday, October 17, 2011 9:54 AM  
**To:** 'Debra Sandlin'  
**Cc:** 'Dan Taber'; 'Retta Ladd'; [csanders@dumfriesva.gov](mailto:csanders@dumfriesva.gov); 'David Moss'  
**Subject:** RE: Temporary Sign Permits - Banners

Debi.

Thank you for taking the "next step" in providing "how much staff time is used to process the temporary signs".

So we (the Town Staff) are going to take a salaried employee; pull their job description (which is vague); extract the event (banner application); time taken to process (minutes); account for materials = Come up with a cost associated with the event.

My question is what would the salaried employee be doing if the employee were not processing paperwork for our taxpayers?

The model you are suggesting, "how much staff time is used to process the temporary signs" does not play well in infrequent events and salaried employees. I am very interested in seeing your model and outcome(s).

Additionally why from 2004 through 2008 was there an average of eight (8) banners a year and from 2010 and 2011 there was on average four (4)?

Why nothing in 2009?

How many banners were for big business?

How many were for small business owners?

Are banners typically a small business tool vice a large business venue?

How did the Town determine \$37.74 for a permanent sign (which should be higher) and \$75.84 for a banner? I'd like to see whatever model you apply to banners, applied to permanent signs as well.

At on average six (6) times a year processing a banner application; how much prioritization (competing daily responsibilities) is involved?

S/F

Jerry

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**From:** Debra Sandlin [<mailto:dsandlin@dumfriesva.gov>]  
**Sent:** Wednesday, October 12, 2011 12:29 PM  
**To:** 'David Moss'; 'Councilman Foreman'  
**Cc:** 'Council Lady Barr'; 'Mayor Yohey'; 'Council Lady Forrester'; 'Council Lady Jurgensen'; 'Vice-Mayor West'; 'Councilman Toney'; 'Dan Taber'; 'Retta Ladd'  
**Subject:** RE: Temporary Sign Permits - Banners

Jerry, staff needs to do an analysis of how much staff time is used to process the temporary signs before we can provide you with an accurate breakdown on how much the Town is

paying to issue an permit and what the return is on the amount paid to apply for a temporary or permanent sign application.

Debi

Debi Sandlin

Director of Community and Economic Development  
Town of Dumfries, VA  
[dsandlin@dumfriesva.gov](mailto:dsandlin@dumfriesva.gov)  
703-221-3400 ext 140

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**From:** David Moss [<mailto:dmosse@dumfriesva.gov>]  
**Sent:** Monday, January 23, 2012 8:28 PM  
**To:** [dtaber@dumfriesva.gov](mailto:dtaber@dumfriesva.gov)  
**Subject:** RE: Question on Enforcement

*Below is the language on signs, which is not explicit in denying display of wares, but rather implicit by denying any signs but those allowed. This section is enforced by the Zoning Administrator.*

## **Chapter 70 – ZONING**

### **ARTICLE I. – IN GENERAL**

#### **Sec. 70-12 – Definitions.**

*Sign.* Any display of letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display is made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to; the ground, any tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

#### **Sec. 70-14 – Signs.**

(c) *Signs permitted generally.* Only signs as listed, described, or otherwise provided for in this section shall be permitted;